



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 19, 2022

By ECF and Email

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Juan Orlando Hernandez, a/k/a "JOH," S7 15 Cr. 379 (PKC)

Dear Judge Castel:

The parties jointly write with respect to the September 28, 2022 status conference and other upcoming dates currently scheduled in this matter. The defendant respectfully requests that the status conference scheduled for September 28 be adjourned for approximately one month. The purpose of such an adjournment would be to provide additional time for the defense to review discovery materials produced by the Government in order to evaluate whether to file any pretrial motions, a schedule for which could be set at the next conference. The Government consents to this request.

The Government has produced voluminous discovery materials to the defense, and the Government anticipates that it will supplement its discovery productions to date, including potentially with classified materials. Defense counsel is in the process of obtaining the requisite security clearance, which may take at least 60 to 90 days. In light of the anticipated nature of forthcoming discovery productions, and the defense's need to review those materials, in addition to the substantial amount of 18 U.S.C. § 3500 material the Government has begun providing and will continue providing in advance of trial, the parties jointly request that the Court adjourn the January 17, 2023 trial date to a date convenient to the Court in or after May 2023.

The Government respectfully requests that the Court also adjourn the date for the Government to file a motion pursuant to Section 4 of the Classified Information Procedures Act from November 14, 2022 to February 1, 2023. The Government continues to consult with relevant components of the U.S. Government and the Department of Justice, and believes that it will be in a position to file its Section 4 motion by that date, which will be well in advance of the proposed adjourned trial date. Such an adjournment also would provide time for defense counsel to obtain the requisite security clearances in anticipation of the Government's potential production of classified discovery. The defense consents to this request.

Finally, the Government respectfully moves to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), between September 28, 2022 and the date of the rescheduled conference. The Government respectfully submits that the exclusion would be in the interests of justice as it would allow the Government to continue producing discovery materials and for the defendant to review discovery. The defendant consents to this exclusion of time.

Respectfully submitted,

DAMIAN WILLIAMS
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cc: Raymond Colon, Esq. (by ECF and Email)

September 28, 2022 conference is adjourned to October 27, 2022 at 2:00 p.m. in Courtroom 11D. The date for the Government's CIPA motion is extended to February 1, 2023. The trial date is moved from January 17, 2023 to April 24, 2023. Time is excluded to April 24, 2023 so that the parties may engage in the activities described in the Government's letter of September 19, 2022 and otherwise prepare for trial.

SO ORDERED.

Dated: 9/19/2022


P. Kevin Castel
United States District Judge